

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MISSISSIPPI STATE CONFERENCE OF
THE NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE; DR. ANDREA WESLEY; DR.
JOSEPH WESLEY; ROBERT EVANS;
GARY FREDERICKS; PAMELA
HAMNER; BARBARA FINN; OTHO
BARNES; SHIRLINDA ROBERTSON;
SANDRA SMITH; DEBORAH HULITT;
RODESTA TUMBLIN; DR. KIA JONES;
MARCELEAN ARRINGTON; VICTORIA
ROBERTSON,

Plaintiffs,

v.

STATE BOARD OF ELECTION
COMMISSIONERS; TATE REEVES, *in his
official capacity as Governor of Mississippi*;
LYNN FITCH, *in her official capacity as
Attorney General of Mississippi*; MICHAEL
WATSON, *in his official capacity as
Secretary of State of Mississippi*,

Defendants,

AND

MISSISSIPPI REPUBLICAN EXECUTIVE
COMMITTEE

Intervenor-Defendant.

No. 3:22-cv-734-DPJ-HSO-LHS

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
TRANSCRIPT REDACTIONS**

Plaintiffs Mississippi State Conference of the National Association for the Advancement
of Colored People, Dr. Andrea Wesley, Dr. Joseph Wesley, Robert Evans, Gary Fredericks,

Pamela Hamner, Barbara Finn, Otho Barnes, Shirlanda Robertson, Sandra Smith, Deborah Hulitt, Rodesta Tumblin, Dr. Kia Jones, Marcelean Arrington, and Victoria Robertson move for this Court to permit redaction of certain information from the trial transcripts filed in the above-captioned case, specifically the home addresses of the testifying Plaintiffs and witnesses at the following citations:

Document # of Transcript	Page	Line(s)	Proposed Redaction Requested
022724_NAACP_V2	232	21	I live in Okolona, [REDACTED].
022824_NAACP_V3	664	19	[REDACTED], Hattiesburg, Mississippi.
022824_NAACP_V3	685	14	[REDACTED]
022824_NAACP_V3	711- 712	711:25 – 712:4	Okay, so I live right at [REDACTED], which is that street right there, and I live probably off of [REDACTED], which it's named [REDACTED] for all the churches, probably about right there. Give or take some, but I can't -- but that's probably where I live, at [REDACTED].
030124_NAACP_V5	918	15-16	[REDACTED], Ridgeland, Mississippi [REDACTED].

030124_NAACP_V5	919	15-16	[REDACTED], Ridgeland, Mississippi [REDACTED].
030124_NAACP_V5	918-919	918:25 – 919:1	My current address is [REDACTED], Jackson, Mississippi [REDACTED].
030124_NAACP_V5	923	17-20	Well, as you can see, the blue area in this map is where Northpointe Village is actually listed off of Old Canton Road, as well as the area in the purple is where I currently live at [REDACTED].
030124_NAACP_V5	927	14-15	Where it's [REDACTED], is actually on the street to turn off of [REDACTED]

District courts have broad discretion in determining whether to seal judicial records. *See S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). The public has a common law right to inspect and copy judicial records, however, the public's common law right of access is "not absolute" and "[e]very court has supervisory power over its own records and files." *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978); *see also Insurance Distributors Int'l (Bermuda) Ltd. v. Edgewater Consulting Grp. Ltd.*, No. A-08-CA-767 AWA, 2010 WL 3064003, at *1 (W.D. Tex. Aug. 2, 2010). A party can overcome the "presumption of public access to court records" if the party seeking to seal records establishes "good cause" for placing the documents under seal. *See Haas Outdoors, Inc. v. Dryshod Int'l, LLC*, 2019 WL 13159728, at *1 (W.D. Tex. Dec. 4, 2019). Courts analyzing the common law presumption should "consider the degree to which the subject matter is traditionally considered private rather than public." *Insurance*

Distributors Int’l., 2010 WL 3064003, at *2 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995)).

Plaintiffs’ motion to redact the transcript should be granted because it concerns home addresses, which are traditionally private information and have no relevance to the ultimate issues. *See, e.g. Martinez v. Texas Dep’t of Crim. Just.*, No. 3:21-CV-00258, 2022 WL 2834294, at *1 (S.D. Tex. July 20, 2022) (“there is rarely a compelling justification for requiring the disclosure of home addresses, especially in a case like this where the Nurse Practitioners’ home addresses have nothing to do with the ultimate issues.”). Generally, “it should surprise nobody that district courts across the nation routinely permit the sealing of personal identifying information, such as home addresses.” *Id*; *see also Krakauer v. Dish Network, L.L.C.*, 2015 WL 12750446, at *2 (M.D.N.C. Nov. 18, 2015) (granting motion to seal home addresses, as well as other contact information); *Schaehtel v. Md. Div. of Corr.*, No. PWG-14–2099, 2015 WL 5331254, at *1 n.1 (D. Md. Sept. 9, 2015) (“Given obvious confidentiality considerations, personal information regarding all home addresses shall immediately be placed under seal.”). The parties have stipulated that the individual plaintiffs and NAACP members reside in each of the relevant districts. Joint Pretrial Order, ECF No. 199, at 2-18. It is therefore not necessary to disclose in the public record traditionally private information (the home addresses of those testifying) in order to establish their place of residence in the public record for purposes of standing. Moreover, that the testifying witnesses live in the areas at issue in the case remains public in the trial transcript without disclosing their exact home addresses.

Dated: March 25, 2024

/s/ Joshua Tom

Joshua Tom, MSB 105392
jtom@aclu-ms.org
ACLU OF MISSISSIPPI
101 South Congress Street
Jackson, MS 39201
(601) 354-3408

Robert B. McDuff, MSB 2532
rbm@mcdufflaw.com
MISSISSIPPI CENTER FOR JUSTICE
767 North Congress Street
Jackson, MS 39202
(601) 969-0802

Carroll Rhodes, MSB 5314
Law Offices of Carroll Rhodes
crhodes6@bellsouth.net
PO Box 588
Hazlehurst, MS 39083
(601) 894-1464

John P. Lavelle, Jr.
MORGAN, LEWIS & BOCKIUS LLP
2222 Market Street
Philadelphia, PA 19103-3007
Telephone: +1.215.963.5000
Facsimile: +1.215.963.5001
john.lavelle@morganlewis.com

Drew C. Jordan
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004-2541
Telephone: +1.202.739.3000
Facsimile: +1.202.739.3001
drew.jordan@morganlewis.com

Ari J. Savitzky
asavitzky@aclu.org
Ming Cheung
mcheung@aclu.org
Casey Smith
csmith@aclu.org
Garrett Muscatel
gmuscatel@aclu.org
ACLU FOUNDATION
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2500

Patricia Yan
pyan@aclu.org
ACLU FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 457-0800

Ezra D. Rosenberg
erosenberg@lawyerscommittee.org
Jennifer Nwachukwu
jnwachukwu@lawyerscommittee.org
David Rollins-Boyd
drollins-boyd@lawyerscommittee.org
Javon Davis
jdavis@lawyerscommittee.org
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
1500 K Street NW Suite 900
Washington, DC 20005
(202) 662-8600

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Joshua Tom, do certify that on this day I caused to be served a true and correct copy of the foregoing by electronic mail to all counsel of record.

This the 25th day of March, 2024.

s/Joshua Tom
Joshua Tom